

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

REBECCA W. PICKETT,)	CIVIL NO. 18-00087 DKW-RLP
)	
Plaintiff,)	FINDINGS AND RECOMMENDATION TO
)	DISMISS THIS ACTION WITHOUT
vs.)	PREJUDICE
)	
STATE OF HAWAII, DEPARTMENT)	
OF EDUCATION, KAUAI DISTRICT,)	
)	
Defendant.)	

FINDINGS AND RECOMMENDATION TO
DISMISS THIS ACTION WITHOUT PREJUDICE¹

Following Plaintiff's failure to timely serve the Complaint in this action on Defendant, this Court issued a Deficiency Notice and Order Regarding Service of Defendant. ECF No. 10. In that order, the Court gave notice to Plaintiff that she must serve her Complaint on Defendant within thirty days of that order, and that failure to do so may result in dismissal of this action for failure to prosecute or otherwise follow a court order. See Fed. R. Civ. P. 41(b); Fed. R. Civ. P. 4(m); see also In re Sheehan, 253 F.3d 507, 513 (9th Cir. 2001) (stating that the court has broad discretion under Rule 4(m) to extend the time for service or to dismiss the action without prejudice).

¹ Within fourteen days after a party is served with a copy of the Findings and Recommendation, that party may, pursuant to 28 U.S.C. § 636(b)(1), file written objections in the United States District Court. A party must file any objections within the fourteen-day period allowed if that party wants to have appellate review of the Findings and Recommendation. If no objections are filed, no appellate review will be allowed.

Plaintiff has not filed a return of service indicating that she has effected service. Based on the docket, Plaintiff has failed to serve the Complaint or Summons as required under Rule 4(c) of the Federal Rules of Civil Procedure. Accordingly, the Court FINDS AND RECOMMENDS that this case be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 4(m).

IT IS SO FOUND AND RECOMMENDED.

DATED AT HONOLULU, HAWAII, NOVEMBER 21, 2018.




Richard L. Puglisi
United States Magistrate Judge

PICKETT V. STATE OF HAWAII; CIVIL NO. 18-00087 DKW-RLP; FINDINGS AND RECOMMENDATION TO DISMISS THIS ACTION WITHOUT PREJUDICE